

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.780 of 2018

Md. Mohsin Alam son of late Dr. M. Habibuddin R/O Mohalla Mirza Dost
Mohammad lane, Macleodganj, PS.Kotwali, Distt-Gaya.
... .. Petitioner/s

Versus

Harish Lal Goyen @ Harish Agrawal son of late Krishna Kumar Goyen R/O
Holding No. 46(New), Ward No. 14 (New), Mohalla-Gautam Buddha Marg,
PS-Kotwali, District-Gaya. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 15-09-2022 Heard learned counsel for the petitioner.

2. Petitioner is tenant in eviction suit filed by respondent/plaintiff bearing Eviction Suit No. 06/2015. By order dated 21.10.2016 passed under Section 15 of Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as the Act), the petitioner was directed to pay rent of Rs. 350/- per month as last rent paid. Subsequently thereafter, a modification application has been filed by the petitioner on 10.02.2017 for modification of the order dated 21.10.2016 by which the petitioner/tenant was directed to deposit the last rent paid under Section 15 of the Act. By the impugned order dated 23.02.2018 the prayer for modification of the order dated 21.10.2016 has been rejected.

3. The petitioner sought modification that the last rent paid should be reduced to Rs. 125/- per month. The modification application has been dismissed by the trial court on 23.02.2018 which has been impugned before this Court.

4. Learned counsel submits that the last rent paid



was Rs. 125/- and not Rs. 350/- as directed by the court.

5. It appears that the order dated 21.10.2016 has not been challenged by the petitioner and only the order rejecting the prayer of modification has been impugned before this Court. From the impugned order it transpires that the relationship of the tenant and landlord is established between the parties. Learned trial court has refused to modify the order dated 21.10.2016 on the ground that the last rent paid was found to be Rs. 350/- after decree of partial eviction passed in the previous suit bearing Title Suit No. 02/2009 and eviction appeal No. 09/2016/38/2013. The decree for partial eviction was passed with respect to the suit premises and the rent was admittedly at that point of time was Rs. 700/- and after partial eviction the trial court has reduced it to Rs. 350/- and accordingly, directed the petitioner to pay a sum of Rs. 350/- per month as rent.

6. I have heard learned counsel for the parties. On perusal of the impugned order, it appears that there is no material irregularity and jurisdictional error in the impugned order requiring interference by this Court. Accordingly, this petition has no merit and the same is, hereby, dismissed.

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(Anil Kumar Sinha, J)

